

OFFICER DELEGATED DECISION - RESIDENTIAL CARAVAN SITE LICENSING

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

RECORD OF DECISION TAKEN BY OFFICERS UNDER DELEGATED POWERS

This is a record of a decision taken by an officers under delegated powers and where necessary taken in consultation with members and officers.

Delegated Power

Specify the particular delegated power being exercised by reference to the Delegation Scheme or Cabinet minute and date.

CAB 83 Cabinet 3 November 2015 – approved at Council on 26 November 2015

That the Chief Executive, in consultation with the Portfolio Holder with responsibility for housing, be given delegated authority to make minor amendments to the standard condition to ensure it complies with legislative requirements, Government guidance and caselaw.

Decision Taken

Specify precise details of the decision taken

To amend the standard conditions (multi-site and single site) to ensure that they are appropriate in respect to current legislative and enforcement considerations and to ensure that they are robust so as to address those issues arising on sites where caravans are being let for residential purposes

BACKGROUND

It has now been clarified that certain regulations applying to private rented housing equally apply to residential caravans. This includes new regulations that were clarified after the original report was considered by Cabinet

In all cases where there is other relevant applicable legislation outwith the site licence conditions the Council will seek to ensure that licensees/landlords are made aware of this and are passed details of the relevant enforcement body.

Having reviewed this, the development of residential caravan site licensing and the challenges facing this sector, the following changes are agreed.

Multi-Site Conditions

- a) The condition relating to the provision of an annual gas safety check will be removed as this is covered by other legislation, namely **The Gas Safety (Installation and Use) Regulations 1998**. Where caravans are let for residential purposes the Council will monitor compliance with the above legislation and will liaise with the enforcing authority who are the Health & Safety Executive (HSE).
- b) The condition relating to the provision of a carbon monoxide detector in let caravans will remain but will not relate solely to caravans let by the Licensee. This provision is also a requirement of **BS3632** for residential caravans.*
- c) The condition relating to the provision of a smoke detector in let caravans will be removed as this is now covered by **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**.
- d) The condition referring to electrical installations and appliances requiring testing every 3yrs in accordance with **BS7671** will remain but will not relate solely to caravans let by the Licensee.*
- e) The condition relating to the provision of a fire blanket in let caravans will remain but will not relate solely to caravans let by the Licensee.*

- f) The conditions relating to caravans complying with **BS3632 (2005)** will be amended to reflect that all caravans on site used for residential purposes, excluding those occupied by the Licensee and their family, must comply with **BS3632**. The BS edition reference will also be removed so as to afford owners more flexibility in sourcing appropriate caravans.

*The removal of the reference to Licensee in b, d & e above is to ensure that those landlords renting caravans are unable to avoid compliance by transferring ownership to a third party.

Single Site Conditions

- a) The General Conditions will be amended to remove all reference to the requirement for let caravans and will simply state:

NOTE: *In normal circumstances on single occupancy sites there will not be any caravans let for residential purposes however where a caravan is being let, in accordance and in compliance with planning permission, additional conditions may be applied for example, in respect to the standard of the caravan being let.*

The above amendment will allow specific conditions to be applied where appropriate and will remove any risk of permitted development rights being granted.

Conditions will still be varied on a site by site basis in accordance with government guidance regarding Model Conditions and in accordance with the Cabinet Report dated November 2015 Section 3.10.

Where an existing licence is in force amendments may be made to existing licence conditions where appropriate in accordance with the legislation.

Reasons for the Decision

Specify all reasons for taking the decision

To ensure that the residential caravan site licence conditions are regularly reviewed to take account of emerging issues and to ensure that they are adequate and sufficient to address the risks on residential caravan sites.

The changes reflect further legal advice, developments and evolution of legislation and enforcement practices.

Options considered

The 'do nothing' option was not considered appropriate as conditions should be refreshed as explained in the report

Any declarations of interest and details of any dispensations granted in respect of interests.
None

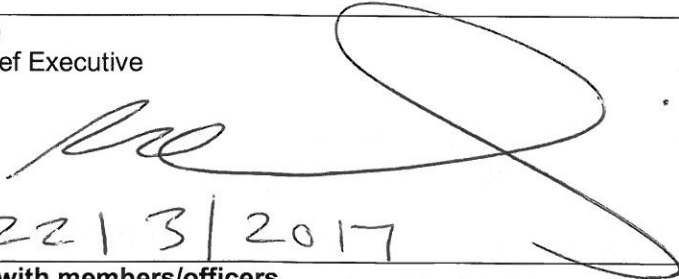
List of Background papers

Report to Cabinet 3 November 2015
Appendices to this report – single and multi-site conditions

Authorisation

Post Held: Chief Executive

Signature



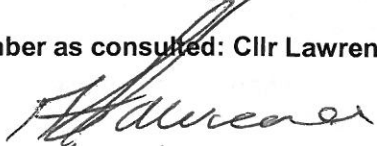
Date

22/3/2017

Consultation with members/officers

If the decision is taken following consultation with the members/officers, please give details:

Signed by Member as consulted: Cllr Lawrence



Date

23/3/17

Pre-Screening Equality Impact Assessment

Borough Council of
**King's Lynn &
West Norfolk**



Name of policy/service/function					
Is this a new or existing policy/ service/function?		New / Existing (delete as appropriate)			
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations					
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age				
	Disability				
	Gender				
	Gender Re-assignment				
	Marriage/civil partnership				
	Pregnancy & maternity				
	Race				
	Religion or belief				
	Sexual orientation				
	Other (eg low income)				
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	Yes / No				
3. Could this policy/service be perceived as impacting on communities differently?	Yes / No				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	Yes / No				
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	Yes / No	Actions:			
		Actions agreed by EWG member: Name			
Assessment completed by: Name					
Job title	Date				

Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.

